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Attorneys for Counterdefendants SANDEEP SOOD and
 MONSOON ENTERPRISES, INC., a California corporation

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

NEXTDOOR.COM, INC., a Delaware
 corporation,

Plaintiff,

v.

RAJ ABHYANKER, an individual,

Defendant.

Case No.: 3:12-cv-05667-EMC

**REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF COUNTERDEFENDANTS
 SANDEEP SOOD AND MONSOON
 ENTERPRISES, INC.'S MOTION TO DISMISS
 FIRST AMENDED COUNTERCLAIM**

RAJ ABHYANKER, an individual,

Counterclaimant,

v.

NEXTDOOR.COM, INC., a Delaware
 corporation; PRAKASH JANAKIRAMAN, an
 individual; BENCHMARK CAPITAL
 PARTNERS, L.P., a Delaware limited
 partnership; BENCHMARK CAPITAL
 MANAGEMENT CO. LLC, a Delaware limited
 liability company; SANDEEP SOOD, an
 individual; MONSOON ENTERPRISES, INC., a
 California corporation, and DOES 1-50,
 inclusive,

Counterdefendants.

Complaint Filed: November 5, 2012
 Counterclaim Filed: January 10, 2013
 First Amended Counterclaim Filed: April 8, 2013

Date: June 6, 2013
 Time: 1:30 PM
 Judge: Honorable Edward M. Chen
 Place: Courtroom 5 - 17th Floor
 450 Golden Gate Avenue
 San Francisco, California 94102

{00015028;1}

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF COUNTERDEFENDANTS SANDEEP SOOD AND MONSOON
 ENTERPRISES, INC.'S MOTION TO DISMISS FIRST AMENDED COUNTERCLAIM

Counterdefendants SANDEEP SOOD (“Sood”) and MONSOON ENTERPRISES, INC., a California corporation (“Monsoon”), in support of their Motion to Dismiss Counterclaimant RAJ ABHYANKER’s First Amended Counterclaim, respectfully requests that this Court take judicial notice of the following documents and pleadings:

1. Raj Vasant Abhyanker’s Complaint for Damages and Equitable Relief for Intentional Interference with Existing and Prospective Economic Advantage, Breach of Confidence, Breach of Contract, Fraud and Conspiracy to Defraud, Constructive Fraud and Aiding and Abetting Constructive Fraud, Unjust Enrichment, Unfair Business Acts and Practices in Violation of Business and Professions Code (Cal.Civ.Code § 17200 *et seq.*), Violations of the California Corporate Securities Laws, and Misappropriation of Trade Secrets (Cal.Civ.Code § 3426, *et seq.*), filed on November 10, 2011 in the Superior Court of California, County of Santa Clara, Civil Case No. 1-10-CV-212924, attached hereto as **Exhibit 1**. (*See also* Declaration of Harpreet S. Walia in Support of Counterdefendants’ Request for Judicial Notice (“Walia Decl.”) ¶ 2.)

2. Raj Vasant Abhyanker’s First Amended Complaint for and Misappropriation of Trade Secrets (Cal.Civ.Code § 3426, *et seq.*), Fraud and Conspiracy to Defraud, Constructive Fraud and Aiding and Abetting Constructive Fraud, Negligent Interference with Existing and Prospective Economic Advantage, Breach of Confidence, Breach of Contract, Breach of Implied Covenant of Good Faith and Fair Dealing, Negligent Misrepresentation, Tortious Interference with Contract, Unjust Enrichment, Unfair Business Acts and Practices in Violation of Business and Professions Code (Cal.Civ.Code § 17200 *et seq.*), Violations of the California Corporate Securities Laws, and Conversion, filed on December 6, 2011 in the Superior Court of California, County of Santa Clara, Civil Case No. 1-11-CV-212924, attached hereto as **Exhibit 2**. (*See also* Walia Decl. ¶ 3.)

3. Raj Abhyanker’s November 22, 2006 patent application no. 11/603,442; Publication Date September 20, 2007 entitled “Map Based Neighborhood Search and Community Contribution,” attached hereto as **Exhibit 3**. (*See also* Walia Decl. ¶ 4.)

This request is made pursuant to Rule 201 of the Federal Rules of Evidence and the authorities cited below. This request is made in connection with Sood and Monsoon’s motion to dismiss the First Amended Counterclaim filed by Counterclaimant Raj Abhyanker (“Cross-Complaint”) (Dkt. 59).

BASIS FOR REQUESTING JUDICIAL NOTICE

On a motion to dismiss, a court may take judicial notice of matters of public record in accordance with Federal Rule of Evidence 201 without converting the motion to dismiss to a motion for summary judgment. *Lee v. City of Los Angeles*, 250 F.3d 668, 688-689 (9th Cir. 2001) (citing *Mack v. South Bay Beer Distributors, Inc.*, 798 F.2d 1279, 1282 (9th Cir. 1986)). Courts may take judicial notice of documents outside of the complaint that are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(d); *Wietschner v. Monterey Pasta Co.*, 294 F. Supp. 2d 1117, 1109 (N.D. Cal. 2003). Courts can take judicial notice of such matters when considering a motion to dismiss. *Wietschner*, 294 F. Supp. 2d at 1109; *MGIC Indem. Corp. v. Weisman*, 803 F. 2d 500, 504 (9th Cir. 1986). As explained further below, the Court may take judicial notice of Exhibits 1 through 3.

Exhibits 1 and 2: Courts may take judicial notice of proceedings in other courts. *U.S. ex rel Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (citing *St. Louis Baptist Temple, Inc. v. FDIC*, 605 F.2d 1169 (10th Cir. 1979)) (“[W]e ‘may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue.’”). Exhibits 1 and 2 are the Complaint and First Amended Complaint from the files of the Santa Clara County Superior Court. The contents of these filings are public records that are “not subject to reasonable dispute [and] capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” See Fed. R. Evid. 201(b)(2). These exhibits reflect the proceedings in other courts, and are appropriate for judicial notice as set forth in *U.S. ex rel Robinson Rancheria Citizens Council*. Accordingly, Sood and Monsoon requests that this Court take judicial notice of Exhibits 1 and 2.

Exhibit 3: As stated in *Lee*, on a motion to dismiss, the court may take judicial notice of “undisputed matters of public record.” *Lee*, 250 F.3d at 690. Exhibit 3 is a Patent Application that was filed for publication before the United States Patent and Trademark Office and is a matter of official public records that are not subject to reasonable dispute. Accordingly, Sood and Monsoon requests that this Court take judicial notice of Exhibit 3.

1 DATED: April 25, 2013

2 Respectfully submitted,

3 ROYSE LAW FIRM, PC

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5 By: /s/ Harpreet S. Walia
6 Harpreet S. Walia, Attorneys for Counterdefendants
7 SANDEEP SOOD and MONSOON ENTERPRISES,
8 INC.
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